

**IOWA DEPARTMENT OF NATURAL RESOURCES  
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:  <b>INDUSTRIAL LAMINATES/NORPLEX, INC.</b>	ADMINISTRATIVE CONSENT ORDER  NO. 2007-AQ-11
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TO: James W. Gilbert, Registered Agent  
Industrial Laminates/Norplex, Inc.  
665 Lybrand Street  
Postville, Iowa 52162

**I. SUMMARY**

This administrative consent order is entered into between Industrial Laminates/Norplex, Inc. (Industrial Laminates) and the Iowa Department of Natural Resources (DNR) for the purpose of resolving Title V Operating Permit violations. The parties have agreed to the provisions below.

Any questions regarding this administrative consent order should be directed to:

**Relating to technical requirements:**

Diane Brockshus  
Iowa Department of Natural Resources  
7900 Hickman Road, Suite 1  
Urbandale, Iowa 50322  
Phone: 515/281-4801

**Relating to legal requirements:**

Kelli Book, Attorney for the DNR  
Iowa Department of Natural Resources  
7900 Hickman Road, Suite 1  
Urbandale, Iowa 50322  
Phone: 515/281-8563

**Payment of penalty to:**

Director of the Iowa DNR  
Wallace State Office Building  
502 East Ninth Street  
Des Moines, Iowa 50319-0034

**II. JURISDICTION**

Pursuant to the provisions of Iowa Code sections 455B.134(9) and 455B.138(1), which authorize the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division II (air quality), and the rules promulgated and permits issued pursuant thereto; and Iowa Code section 455B.109 and 567 Iowa Administrative Code (IAC) chapter 10, which authorize the Director to assess administrative penalties, the DNR has jurisdiction to issue this administrative consent order.

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**III. STATEMENT OF FACTS**

1. Industrial Laminates is a thermoset composite laminates manufacturing facility located in Postville, Iowa. Industrial Laminates is a Title V facility with several emission units, including resin/solvent mixing tanks, heat treaters, hydraulic laminate presses, saws, and resin and solvent storage tanks.

2. On September 7, 1999, the DNR issued Industrial Laminates Title V Operating Permit #99-TV-039. The Title V Operating Permit includes the following requirements:

- Section IV. General Conditions. G4 – Annual Compliance Certification. (Pursuant to 567 IAC 22.108(15)“e”).

By March 31 of each year, the permittee shall submit compliance certifications for the previous calendar year.

- Section IV. General Conditions. G5 – Semi-Annual Monitoring Report. (Pursuant to 567 IAC 22.108(5)).

By March 31 and September 30 of each year, the permittee shall submit a report of any monitoring required under this permit for the 6 month periods of July 1 to December 31 and January 1 to June 30, respectively.

3. Industrial Laminates failed to submit its Semi-Annual Monitoring report for January 1, 2001 – June 30, 2001 by September 30, 2001. On November 2, 2001, DNR issued a Notice of Violation letter to Industrial Laminates for failing to submit its Semi-Annual Monitoring report for the first part of 2001 by September 30, 2001. On November 13, 2001, DNR received the Semi-Annual Monitoring report for the first part of 2001 from Industrial Laminates.

4. Industrial Laminates failed to submit its Semi-Annual Monitoring report for January 1, 2002 – June 30, 2002 by September 30, 2002. On October 30, 2002, DNR issued a Notice of Violation letter to Industrial Laminates for failing to submit its Semi-Annual Monitoring report for the first part of 2002 by September 30, 2002. On November 14, 2002, DNR received the Semi-Annual Monitoring report for the first part of 2002 from Industrial Laminates.

5. Industrial Laminates failed to submit its Semi-Annual Monitoring report for January 1, 2004 – June 30, 2004 by September 30, 2004. On October 14, 2004, DNR issued a Notice of Violation letter to Industrial Laminates for failing to submit its Semi-Annual Monitoring report for the first part of 2004 by September 30, 2004. On October 25, 2004, DNR received the Semi-Annual Monitoring report for the first part of 2004 from Industrial Laminates.

6. Industrial Laminates failed to submit its Title V Annual Compliance Certification for 2005 and its Semi-Annual Monitoring report for July 1, 2005 –

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December 31, 2005 by March 31, 2006. On April 7, 2006, DNR received the Semi-Annual Monitoring report for the second part of 2005 from Industrial Laminates. On April 27, 2006, DNR issued a Notice of Violation letter to Industrial Laminates for failing to submit its Title V Annual Compliance Certification for 2005 and its Semi-Annual Monitoring report for the second part of 2005 by March 31, 2006. On May 5, 2006, DNR received the Title V Annual Compliance Certification for 2005 from Industrial Laminates.

7. Industrial Laminates failed to submit its Semi-Annual Monitoring report for January 1, 2006 – June 30, 2006 by September 30, 2006. On October 18, 2006, DNR issued a Notice of Violation letter to Industrial Laminates for failing to submit its Semi-Annual Monitoring report for the first part of 2006. On October 27, 2006, DNR received the Semi-Annual Monitoring report for the first part of 2006 from Industrial Laminates.

**IV. CONCLUSIONS OF LAW**

1. Pursuant to Iowa Code section 455B.133 (8), 567 IAC 22.108(9)"a" was established, which requires the permittee to comply with all conditions of the Title V Operating Permit. Industrial Laminates failed to comply with the conditions of its Title V Operating Permit as follows:

- Industrial Laminates failed to demonstrate compliance with Section IV; General Conditions; G4 – Annual Compliance Certification (Pursuant to 567 IAC 22.108(15)"e") that requires by March 31 of each year, the permittee to submit compliance certifications for the previous calendar year. Industrial Laminates failed to timely submit its Annual Compliance Certification for 2005.

- Industrial Laminates failed to demonstrate compliance with Section IV; General Conditions; G5 – Semi-Annual Monitoring Report (Pursuant to 567 IAC 22.108(5)) that requires by March 31 and September 30 of each year, the permittee to submit a report of any monitoring required under the permit for the 6 month periods of July 1 to December 31 and January 1 to June 30, respectively. Industrial Laminates failed to timely submit its Semi-Annual Monitoring Report for the following periods: first half of 2001, first half of 2002, first half of 2004, second half of 2005, and first half of 2006.

The above-facts indicate violations of Industrial Laminates' Title V Operating Permit and 567 IAC 22.108(9)"a".

**V. ORDER**

THEREFORE, the DNR orders and Industrial Laminates agrees to do the following:

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1. Industrial Laminates shall pay a penalty of \$3,750.00 within 30 days of the date the Director signs this administrative consent order.

**VI. PENALTY**

1. Iowa Code section 455B.146 authorizes the assessment of civil penalties of up to \$10,000.00 per day of violation for each of the air quality violations involved in this matter.

2. Iowa Code section 455B.109 authorizes the Environmental Protection Commission to establish by rule a schedule of civil penalties up to \$10,000.00, which may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties in 567 IAC chapter 10. Pursuant to these rules, the DNR has determined that the most effective and efficient means of addressing the above-cited violations is the issuance of an administrative consent order with an administrative penalty. The administrative penalty assessed by this administrative consent order is \$3,750.00. The administrative penalty is determined as follows:

Economic Benefit – Industrial Laminates' failure to timely submit the semi-annual and annual compliance reports has created a minimal economic benefit; therefore no economic benefit is being assessed.

Gravity of the Violation – Industrial Laminates is a major source subject to the Title V program, and it has the potential to emit a significant amount of air contaminants. Late submittals of Annual Compliance Certifications and Semi-Annual Monitoring Reports prevent the DNR and the public from promptly being informed of the facility's compliance status. Repeated noncompliance with Title V Operating Permit requirements threatens the integrity of the Title V Operating Permit program. Additionally, the DNR staff has spent a substantial amount of time writing Notice of Violation letters and making telephone calls in an effort to obtain the required reports essential to the DNR's compliance determination for Title V facilities. For these reasons, \$1,500.00 is assessed for this factor.

Culpability – Industrial Laminates has a duty to remain knowledgeable of DNR's requirements and to be alert to the probability that its conduct is subject to DNR's rules. Industrial Laminates repeatedly committed the same reporting violations and has been repeatedly notified of its failures to submit timely reports. For these reasons, \$2,250.00 is assessed for this factor.

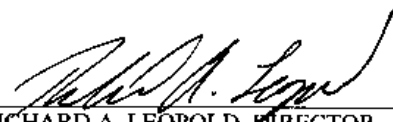
**VII. WAIVER OF APPEAL RIGHTS**

This administrative consent order is entered into knowingly by and with the consent of Industrial Laminates. For that reason, Industrial Laminates waives the right to appeal this administrative consent order or any part thereof.

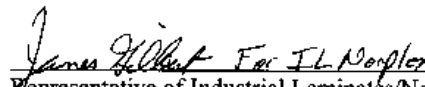
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**VIII. NONCOMPLIANCE**

Failure to comply with this administrative consent order may result in the imposition of further administrative penalties or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.146. Compliance with section "V. Order" of this administrative consent order constitutes full satisfaction of all requirements pertaining to the violations described in section "IV. Conclusions of Law" of this administrative consent order. The DNR reserves the right to bring an enforcement action or to request that the Attorney General initiate legal action to address other violations not described in Section "IV Conclusions of Law" of the administrative consent order but which may arise from the facts summarized in Section "III. Statement of Facts" of this administrative consent order.

  
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RICHARD A. LEOPOLD, DIRECTOR  
Iowa Department of Natural Resources

Dated this 14 day of  
May, 2007

  
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James H. O'Neil For IL Norplex  
Representative of Industrial Laminates/Norplex, Inc.

Dated this 8<sup>th</sup> day of  
May, 2007

Barb Stock (#03-02-001); Kelli Book; DNR Field Office 3; VII.A.1 and VII.B.2.a

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